IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1146 of 2005

Between:

1 G.Gopal Rao, S/o.Narsaiah,
Fair Price Shop Dealer No.III, Kothawada Locality, Warangal

Mandal, Warangal District.
2 K.Ram Chander S/o.Odelu,
Fair Price Shop Dealer No.62A, Kothawada Locality,

Warangal Mandal, Warangal District.

..... PETITIONERS

AND

1 The Revenue Divisional Officer, Warangal District,

Warangal.
2 The District Collector (Civil Supplies), Warangal District,

Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or Direction, more particularly one in nature of writ of mandamus declaring the action of the Respondents in covertly and secretly taking steps to bifurcate the Fair Price No.111, and 62/A, Kothawada Locality, Warangal Mandal, Warangal District into two Fair Price Shops, without considering the objection Petition of the petitioners without following due process of Law or without issuing any notice or giving opportunity to the petitioner herein, as violative of Principles of Natural Justice and Contrary to the ratio laid down by Hon'ble A.P. High Court in the Judgment cited in 1997 (4) ALT 481 (D.B) and Supreme Court Judgment and consequently allow the Petitioner to carry on his functions as Fair Price No.III, and 62/A, Kothawada Locality, Warangal Mandal, Warangal District without any hindrance whatsoever from the respondents herein, in the Interest of Justice.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The petitioners are the Fair Price Shop Dealers of shop Nos.111 and 62A, respectively, of Warangal Town. They feel aggrieved by the proposed action of respondents 1 and 2 in proposing to bifurcate their shops. The petitioners contend that any bifurcation of their shops would be contrary to the guidelines issued by the Government in Memo No. 148/CS1/98-1,dated 22.01.1999 and that their shops would become unviable.

Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

The Government is granted the maximum latitude in the matter of establishing and reorganizing the fair price shops. The reason is that it is for the Government to evolve necessary mechanism to ensure proper distribution of the essential commodities. The Government itself framed guidelines in the memo referred to above to ensure that the dealers run the shops with the minimum viability. As of now, no orders have been passed by the 1st respondent bifurcating the shops. The petitioners have already submitted a representation, dated 06.01.2005.

This Court does not find any reason to believe that the 1st respondent would order bifurcation, in contravention of the memo, dated 22.01.1999. The petitioners can point out their grievance to respondents 1 and 2. In fact it is stated that they have submitted a representation, dated 06.01.2005.

Hence, The writ petition is disposed of directing that respondents 1 and 2 shall take into account the guidelines framed by the Government from time to time as well as the representation said to have been made by the petitioners on 06.01.2005, before any bifurcation of shop Nos.111 and 62A of Waranagal Town is made. There shall be no order as to costs.

31.01.2005

Jsu

To

1 The Revenue Divisional Officer, Warangal District,

Warangal.

2 The District Collector (Civil Supplies), Warangal District,

Warangal.

3 2CCs to the G.P. For Civil Supplies, High Court Buildings,

Hyderabad. (OUT)

4 2 CD copies.